

**REMARKS**

In this Amendment, Applicant amends claims 1 and 13, and adds new claims 19 and 20 to protect additional aspects related to the present invention. Applicant also amends claims 3-12 and 15-18 to reflect changes made above. Upon entry of this Amendment, claims 1-20 remain pending and under current examination.

In the Office Action, the Examiner rejected claims 1-3, 13, and 14 under 35 U.S.C. § 103(a) as unpatentable over Giordano et al. (U.S. Patent No. 6,285,364) in view of Forlenzo et al. (U.S. Patent No. 6,377,821); rejected claim 5 under 35 U.S.C. § 103(a) as unpatentable over Giordano in view of Forlenzo as applied to claims 1 and 13, and further in view of Hirai et al. (U.S. Patent No. 6,385,466); rejected claim 6 under 35 U.S.C. § 103(a) as unpatentable over Giordano in view of Forlenzo as applied to claims 1 and 13, and further in view of Hirai and Anderson et al. (U.S. Patent No. 6,330,461); rejected claim 7 under 35 U.S.C. § 103(a) as unpatentable over Giordano in view of Forlenzo as applied to claims 1 and 13, and further in view of Awan et al. (U.S. Patent No. 6,438,390); and rejected claims 4, 8-12, and 15-18 under 35 U.S.C. § 103(a) as unpatentable over Giordano in view of Forlenzo as applied to claims 1 and 13, and further in view of Moon et al. (U.S. Patent No. 6,211,858) and Awan.

Applicant appreciates the Examiner's thorough examination of this application, especially the detailed citations which aided Applicant in reviewing the Examiner's comments. Nevertheless, Applicant respectfully traverses the rejections, as detailed above, for the following reasons.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, the prior art reference (or references when combined) must teach or suggest all the claim elements. Second, there must be some suggestion or motivation, either in the references

themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Third, there must be a reasonable expectation of success. *See* M.P.E.P. § 2143.

Claims 1 and 13, as amended, call for a combination including, for example, “a notification unit for presenting the first information using neither character format nor image format.” Giordano fails to teach at least “a notification unit for presenting the first information using neither character format nor image format.” In Giordano, as seen for example in Fig. 3 and Fig. 4, all information is presented on a touch-sensitive display screen 26 in either character format (e.g., “YOU HAVE A TELEPHONE CALL”) or image format (e.g., the pointing hand 72). Even assuming *arguendo* that the screen 26 of Giordano constitutes a notification unit for presenting first information, such screen displays all information in either character format or image format. Giordano thus does not include at least the limitation of amended claims 1 and 13 quoted above.

Forlenzo fails to cure Giordano’s deficiency. Forlenzo teaches using identifiers in the display to provide the multiple line and function status information typically associated only with wired desktop telephones. *See* Forlenzo, col. 1 lines 59-66, col. 5 lines 1-10. Forlenzo considers that, for mobile devices, using a display screen is an advantage over using non-display devices such as LED that is normally associated with the wired telephone system. *See* Forlenzo, col. 6 lines 1-33. Even assuming *arguendo* that Forlenzo teaches first information indicating a condition of the mobile communication device, it does not teach at least “using neither character format nor image format.”

Claims 1 and 13, as amended, also call for a combination including, for example, “the second display mode displaying only the second information in a full screen size.” Giordano

fails to teach at least “the second display mode displaying only the second information in a full screen size.” In Giordano, the first information is presented in the second display mode in a slide-up window over the second information. See Giordano, col. 2 lines 48–56. Therefore, Giordano teaches that the second display mode displays both the first and second information and that the second information is displayed at least not in full screen size, and thus does not include at least the limitation of amended claims 1 and 13 quoted above.

Forlenzo does not teach at least the concept of two display modes; therefore Forlenzo fails to cure Giordano’s deficiency on teaching “the second display mode displaying only the second information in a full screen size.”

Therefore, Giordano in view of Forlenzo does not teach all the elements of claims 1 and 13, as amended. Even if Giordano in view of Forlenzo were to teach all the elements of amended claims 1 and 13, which is not the case here, neither Giordano nor Forlenzo provides motivation to modify or combine the teachings of the references to arrive at the combination of claims 1 and 13, as amended.

Giordano teaches a “slide-up window [that] displays information related to the telephone call . . . .” Giordano, abstract lines 9–11. That is, Giordano expressly teaches presenting the first information in the second display mode using a slide-up window, which constitutes either character information or image information. Giordano therefore teaches away from “presenting the first information using neither character format nor image format” or “the second display mode displaying only the second information in a full screen size.” (Claims 1, 13).

Because the *prima facie* case of obviousness cannot be established, Applicant submits that the amendments overcome the Examiner’s 35 U.S.C. § 103(a) rejection of claims 1 and 13, and claims 1 and 13 are nonobvious over the prior arts.

Furthermore, “[i]f an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious.” M.P.E.P. § 2143.03, quoting *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). Because claims 2–9 depend on claim 1, and claims 14–18 depend on claim 13, Applicant further submits that claims 2–9 and 14–18 are also nonobvious. Since claims 10 and 11 depend on claim 9, Applicant further submits that claims 10 and 11 are also nonobvious.

Applicant has introduced new claims 19 and 20 to provide coverage for other aspects of Applicant’s invention, reciting combinations that are neither taught nor suggested by the cited references of record. Support for new claims 19 and 20 may be found, for example, in the description “an indication . . . pictorially displayed on an upper portion 4031 of the display screen,” (Specification, p. 15), “information is displayed in a character form on a lower portion 4032 of the display,” (Specification, p.15), and “information . . . is displayed on the entire area 4033 of the display screen 403a.” (Specification, p. 16). Applicant submits that new claims 19 and 20 are therefore supported by the originally-filed application.

**Conclusion:**

In view of the foregoing, Applicant requests reconsideration of the application and submits that the rejections detailed above should be withdrawn. This Amendment should allow for immediate and favorable action by the Examiner. Applicant submits that the pending claims are in condition for allowance, and requests a favorable action.

Please grant any extensions of time under 37 C.F.R. § 1.136 required in entering this response. If there are any fees due under 37 C.F.R. § 1.16 or 1.17, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: June 14, 2004

By: Richard V. Burgujian  
Richard V. Burgujian  
Reg. No. 31,744

*Robert A. [unclear]*  
#27,432